

Primer for Developing Caseload Allocation Plans

Background:

Among the common rites of spring, like the return of the swallows to San Juan Capistrano or the opening of the NCAA basketball tournament, is the production of the Caseload Allocation Plan (CAP) for Indiana's trial courts.

Governed by a seemingly complicated array of intricate rules, schedules and guidelines and arcane terms like "utilization" and "caseload measure," the creation of a CAP is actually a straightforward process that can bring order out of the chaos of the nearly two million cases filed annually in Indiana.

A CAP can ensure equitable distribution of the workload in counties with multiple judicial officers, promote more timely resolution of cases, and provide an objective basis for examining the work of our courts. Finally, it provides a reliable benchmark to judge your workload against your colleagues around the state. What follows is a step-by-step guide on how to navigate the shoals of the CAP process.

The Process:

Our journey begins with Administrative Rule 1(E), which is the heart and soul of the CAP process. It requires a CAP that "ensures an even distribution of judicial workload among the courts of record in the county."

<http://www.in.gov/judiciary/rules/admin/#r1>. While the rule may seem complex, it is actually quite readable.

The first inquiry involves the timing of the plan. Each county's plan essentially must be reviewed every other year under a schedule adopted by State Court Administration. The current regime required counties in Districts 4,7,8,9,10,12, and 14 to file plans for 2007 and directs that Districts 1,2,3,5,6,11, and 13 to file them in 2008. But the easiest way to remember is to link them to the schedule of District meetings. If the Supreme Court is coming to a town near you, your CAP is due soon after.

How to do it

Start with your existing, approved plan that is contained in your local rule. You can view it on the web at <http://www.in.gov/judiciary/rules/local/>. Next, examine the Weighted Caseload Measures for your county that is posted on-line by April 15 of each year. It can be viewed at <http://www.in.gov/judiciary/admin/courtmgmt/wcm/index.html>. The Weighted Caseload Measures provides a relative weight or count, in minutes, for each case. It is based on the prior year's Quarterly Caseload Statistics Reports. This research will provide you with the Utilization Factor for your court.

Need ÷ Have = Utilization. The following excerpt from the 2007 Weighted Caseload Measures will illustrate.

2007 Weighted Caseload Measures

COUNTY	COURT	COURT NAME	NEED	HAVE	UTILIZATION	NOTE
HAMILTON	29C01	HAMILTON CIRCUIT COURT	1.94	1.51	1.28	
	29D01	HAMILTON SUPERIOR COURT 1	2.64	1.82	1.45	
	29D02	HAMILTON SUPERIOR COURT 2	1.75	1.41	1.24	
	29D03	HAMILTON SUPERIOR COURT 3	2.22	1.55	1.43	
	29D04	HAMILTON SUPERIOR COURT 4	1.75	1.39	1.26	
	29D05	HAMILTON SUPERIOR COURT 5	1.61	1.28	1.26	
	29D06	HAMILTON SUPERIOR COURT 6	1.43	1.04	1.37	
		Total/Average	13.34	10.00	1.33	

The utilization factor is the linchpin of the entire CAP process. It will show if a court has a caseload well above capacity or if it is woefully underutilized. In Indiana the factors range from figure like .40 to 2.43. The standard is 1.0 but the statewide average is 1.22. A low caseload utilization figure does not mean that a court is not working efficiently or diligently, just as a high caseload utilization figure does not always mean a court is working exceedingly hard. Because these measures only count filed cases, the utilization number represents how much work a particular court has to process in a given year.

Rule 1(E) requires that the courts in a given county have utilization factors that are within .40 of each other. Using Hamilton County as an example, you can see that the highest utilization is Superior Court 1 at 1.45 and the lowest utilization is Superior Court 2 at 1.24, resulting in a difference in utilization of .21. But if the spread between the factors is greater than .40 something has to give. Courts generally resolve this large a variance in utilization factors by shifting the filing of one or more category of case types from one court to another and/or by reassigning judges and other judicial officers shifting judicial resources. As you can see, Hamilton County has 7 courts of record but 10 judicial officers total. By their allocation of caseloads and the judicial officers available to handle them, Hamilton County was able to meet the standards of Rule 1(E). State Court Administration can assist with this process. However, many judges have found much joy in developing their own plans. You are welcome to use these spreadsheets to tinker with your own plans.

Start with your existing numbers, which can be obtained locally by printing out copies of all the QCSRs that you filed or from State Court Administration. For example, simply moving all of the Class A Felonies from one court to another may reduce the variance in utilization factors enough to bring your plan into compliance. Once the CAP has been developed and is shown to be in compliance with the permissible .40 variance, all the judges in the county have to approve it. The next step is to put it into the form of a local rule.

Local Rules

TRIAL RULE 81 DEADLINES

DATE	EVENT
Prior to June 1	Submit text of the CAP to State Court Administration
June 1	Thirty-day comment period
July 1-July 31	Trial Courts must approve a final plan
August 1 or before	Submit locally approved plan to State Court Administration
August 1-October 1	State Court Administration will review plans and make recommendation to the Supreme Court for approval, modification or rejection
October 1 or before	Supreme Court review and decision
November 1 or before	Revised plans due to Supreme Court
November 15 or before	Supreme Court review and decisions on any resubmitted plans
January 1 following year	Approved plans become effective

The first step in this phase of the process is to show the changes to the existing plan with strikethroughs and standard rule revision formatting. Step two is provide Notice of the proposed rule change. Publication of the Notice is considered complete when the courts send the text of the CAP *in a digital format* to State Court Administration and the County Clerk on or before June 1.

The Clerk will post the notice in the clerk's office and on its website if it has one. State Court Administration will also post the CAP on the Indiana Judicial System website for that particular county at <http://www.in.gov/judiciary>. The trial courts are also required to notify the president and secretary of any local county bar associations.

June 1 is opening day of the 30-day comment period. Each court selects who shall receive public comments for the court. Follow the notice guidelines in Indiana Trial Rule 81.

Between July 1 and 31, the trial courts must approve a final plan. The plan can be identical to the one first submitted or modified based on comments or other information.

By August 1, the trial courts must submit the now locally approved plan to State Court Administration digitally and in hard copy in a *clean* format absent of strikethroughs and underlinings together with a request to the Supreme Court to approve the plan.

Between August 1 and October 1, State Court Administration will review the plans and make recommendation to the Indiana Supreme Court for approval, modification, or rejection. During this period the staff of State Court Administration works assiduously to make sure no plan is in danger of being rejected.

By October 1, the Supreme Court will review the plans and either approve, reject, or return them for revisions.

By November 1, any revised plans are due to the Supreme Court.

By November 15, the Supreme Court will make its final decision on any resubmitted plans.

On January 1, the approved plans become effective. For the trial courts, the CAP process is complete, until 18 months later, when it begins again.

Two caveats: If a county fails to produce a plan, the Supreme Court will require State Court Administration to draft one for the county. Also, a county can revise its plan outside of the normal schedule. An ad hoc schedule will be developed that generally follows the same time periods for comment and Supreme Court approval.

The best news of all is that if you are still within the permitted .40 of the utilization variance, you may simply submit your prior plan with a simple petition, but don't forget to send it to us digitally too.

That is all there is to it. Contact State Court Administration if you have any questions. Our court analysts, James Diller, jdiller@courts.state.in.us and Angela James, ajames@courts.state.in.us, are available to assist and make suggestions in development of your plans, and staff attorney, James Maguire, jmaguire@courts.state.in.us, can answer any questions you might have about the local rules process. James R. Walker, Director of Trial Court Management, jwalker@courts.state.in.us, is always willing to help you as well.

Case Category (Case Types)	WCL Multiplier	Case Type	Cases Filed in Your Court Last Year				Year Total	Weighted Minutes
			1st Quarter	2nd Quarter	3rd Quarter	4th Quarter		
Capital Murder	2649	LP/DP					0	0
Murder	453	MR					0	0
Felony *	155	CF					0	0
A Felony	420	FA					0	0
B Felony	260	FB					0	0
C Felony	210	FC					0	0
D Felony	75	FD					0	0
Post Conviction Relief	0	PC					0	0
Criminal Misdemeanor	40	CM					0	0
Miscellaneous Criminal	18	MC					0	0
Infractions	2	IF					0	0
Ordinance Violations	2	OV/OE					0	0
Juvenile CHINS	111	JC					0	0
Juvenile Delinquency	60	JD					0	0
Juvenile Status	58	JS					0	0
Juvenile Paternity	82	JP					0	0
Juvenile Miscellaneous	12	JM					0	0
Juv. Term Parental Rights	194	JT					0	0
Civil Plenary	121	CP/PL					0	0
Mortgage Foreclosures	23	MF					0	0
Civil Collections	26	CC					0	0
Civil Torts	118	CT					0	0
Small Claims	13	SC					0	0
Domestic Relations	185	DR					0	0
Reciprocal Support	31	RS					0	0
Mental Health	37	MH					0	0
Adoption	53	AD					0	0
Adoption Histories *	53	AH					0	0
Estate	85	ES/EU					0	0
Guardianship	93	GU					0	0
Trusts	40	TR					0	0
Protective Orders	37	PO					0	0
Civil Miscellaneous	87	MI					0	0
Total Weighted Minutes								0
Number of Judicial Officers Needed for this workload:								0.00
Number of Judicial Officers this court has:								1.0
Court's Utilization								0.00

* Case type no longer used

Instructions:

Just enter the number of cases filed in each case type for each quarter, and the formulas contained in this spreadsheet will automatically do the math for you if you use Excel.

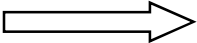
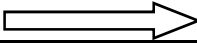

A judicial officer has 80,640 minutes per year to devote to case related activities. (This figure takes into account that judges take vacations, get sick, attend conferences, attend to other court business, etc.). In other words, a full caseload for 1 court with 1 judge is 80,640 minutes worth of new case filings each year.

Because some case types will consume much more of the 80,640 minutes than others to handle, different "weights" are assigned to different case types. Multiplying the number of cases filed in a particular case type by the weight assigned to that case type gives us the amount of judicial time that those cases will require to handle.

By dividing the total weighted caseload minutes for cases filed in your court by 80,640, we arrive at how many judicial officers are needed to handle the workload. We call this the judicial **Need** for that court.

Every court will have 1 judge. Some courts will have judicial officers such as magistrates who help handle the workload of the court. The judge + any additional judicial officers regularly assigned to the court =

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Case Category (Case Types)	Case Type	WCL Multiplier	Court 1		Court 2		Court 3	
			Cases Filed	Weighted Minutes	Cases Filed	Weighted Minutes	Cases Filed	Weighted Minutes
Capital Murder	LP/DP	2649		0		0		0
Murder	MR	453		0		0		0
Felony *	CF	155		0		0		0
A Felony	FA	420		0		0		0
B Felony	FB	260		0		0		0
C Felony	FC	210		0		0		0
D Felony	FD	75		0		0		0
Post Conviction Relief	PC	0		0		0		0
Criminal Misdemeanor	CM	40		0		0		0
Miscellaneous Criminal	MC	18		0		0		0
Infractions	IF	2		0		0		0
Ordinance Violations	OV/OE	2		0		0		0
Juvenile CHINS	JC	111		0		0		0
Juvenile Delinquency	JD	60		0		0		0
Juvenile Status	JS	58		0		0		0
Juvenile Paternity	JP	82		0		0		0
Juvenile Miscellaneous	JM	12		0		0		0
Juv. Term Parental Rights	JT	194		0		0		0
Civil Plenary	CP/PL	121		0		0		0
Mortgage Foreclosures	MF	23		0		0		0
Civil Collections	CC	26		0		0		0
Civil Torts	CT	118		0		0		0
Small Claims	SC	13		0		0		0
Domestic Relations	DR	185		0		0		0
Reciprocal Support	RS	31		0		0		0
Mental Health	MH	37		0		0		0
Adoption	AD	53		0		0		0
Adoption Histories *	AH	53		0		0		0
Estate	ES/EU	85		0		0		0
Guardianship	GU	93		0		0		0
Trusts	TR	40		0		0		0
Protective Orders	PO	37		0		0		0
Civil Miscellaneous	MI	87		0		0		0
Total Minutes				0		0		0
Number of Judicial Officers Needed for this workload:				0.00		0.00		0.00
Number of Judicial Officers this court has:				1.0		1.0		1.0
Court's Utilization				0.00		0.00		0.00

* Case type no longer used

Instructions:

Just enter the number of cases filed in each case type for the year, and the formulas contained in this spreadsheet will automatically do the math for you if you use Excel.

A judicial officer has 80,640 minutes per year to devote to case related activities. (This figure takes into account that judges take vacations, get sick, attend conferences, attend to other court business, etc.). In other words, a full caseload for 1 court with 1 judge is 80,640 minutes worth of new case filings each year.

Because some case types will consume much more of the 80,640 minutes than others to handle, different "weights" are assigned to different case types. Multiplying the number of cases filed in a particular case type by the weight assigned to that case type gives us the amount of judicial time that those cases will require to handle.

By dividing the total weighted caseload minutes for cases filed in your court by 80,640, we arrive at how many judicial officers are needed to handle the workload. We call this the judicial **Need** for that court.

Every court will have 1 judge. Some courts will have judicial officers such as magistrates who help handle the workload of the court. The judge + any additional judicial officers regularly assigned to the court =

LR100-AR01-1 Caseload Allocation Plan¹

(A) Criminal Cases:

(1) All Murder, Class A, Class B, and Class C felony cases shall be filed in the Circuit Court.

(2) Class D felony cases shall be filed ~~in the following proportions as follows:~~

~~(a) 20% shall be filed in Circuit Court, and~~

~~(b) 80% shall be filed in Superior Court.~~

All Class D felonies charging violations of I.C. 35-48-4 (Controlled Substance Offenses) or violations of I.C. 9-30-5 (Operating Vehicle While Intoxicated Offenses) shall be filed in Circuit Court. All other Class D felonies shall be filed in Superior Court.

(3) All misdemeanor cases shall be filed in Superior Court.

(4) ~~All m~~Miscellaneous criminal (MC) cases shall be filed in ~~Circuit Court~~ as follows:

All miscellaneous criminal cases filed on the 1st day through the 7th day of each month shall be filed in Superior Court; miscellaneous criminal cases filed on the 8th day of the month through the last day of the month shall be filed in Circuit Court.

(B) Civil Cases:

(1) All PL, MF, CC, and SC case types shall be filed in Superior Court.

(2) All MH, AD, ES/EU, GU case types shall be filed in Circuit Court.

(3) DR cases shall be filed in the following proportions:

~~(a) 50%~~ 10% in Circuit Court, and

~~(b) 50%~~ 90% in Superior Court.

¹ This is intended only as an example of how to amend a local rule. It is not intended to be a model or a complete caseload allocation plan required by Admin. R. 1(E).

STATE OF INDIANA – COUNTY OF STAD
IN THE STAD CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Amendment of Local Rule for a Caseload Allocation
Plan for the Courts of Record of Stad County
June 1, 2008**

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Stad Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule setting forth the caseload allocation plan for the courts of record of Stad County, effective January 1, 2009. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2008, and shall close on June 30, 2008. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2008, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2008.

Comments by the bar and the public should be made in writing and mailed to:

Hon. Thaddeus P. Thornton, Judge of the Stad Circuit Court, Attn: Public Comment on Local Rules, Stad County Courthouse, 1096 Wabash Avenue, Sycamore, Indiana.

A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Stad County, Stad County Courthouse, 1096 Wabash Avenue, Sycamore, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.stadcounty.org/clerk> or <http://www.in.gov/judiciary/rules/local>

Thaddeus P. Thornton, Judge
Stad Circuit Court

Amelia Fernandez, Judge
Stad Superior Court

LR100-AR01-1 Caseload Allocation Plan¹

(A) Criminal Cases:

(1) All Murder, Class A, Class B, and Class C felony cases shall be filed in the Circuit Court.

(2) Class D felony cases shall be filed as follows:

All Class D felonies charging violations of I.C. 35-48-4 (Controlled Substance Offenses) or violations of I.C. 9-30-5 (Operating Vehicle While Intoxicated Offenses) shall be filed in Circuit Court. All other Class D felonies shall be filed in Superior Court.

(3) All misdemeanor cases shall be filed in Superior Court.

(4) Miscellaneous criminal (MC) cases shall be filed in as follows:

All miscellaneous criminal cases filed on the 1st day through the 7th day of each month shall be filed in Superior Court; miscellaneous criminal cases filed on the 8th day of the month through the last day of the month shall be filed in Circuit Court.

(B) Civil Cases:

(1) All PL, MF, CC, and SC case types shall be filed in Superior Court.

(2) All MH, AD, ES/EU, GU case types shall be filed in Circuit Court.

(3) DR cases shall be filed in the following proportions:

(a) 10% in Circuit Court, and

(b) 90% in Superior Court.

¹ This is intended only as an example of how to amend a local rule. It is not intended to be a model or a complete caseload allocation plan required by Admin. R. 1(E).

**In the
Indiana Supreme Court**

IN THE MATTER OF)	
)	
REQUEST FOR APPROVAL)	
)	Case No.
OF LOCAL RULES)	
)	
FOR COURTS OF RECORD IN)	
)	
_____ COUNTY)	

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of _____ County have decided to adopt, or amend, the local rules indicated below and request Supreme Court approval for the following local rules, or amendments:

1. ____ Special judge selection pursuant to Trial Rule 79(H);
2. ____ Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3. ____ Court reporter services pursuant to Administrative Rule 15;
4. ____ Caseload allocation pursuant to Administrative Rule 1(E).

_____ The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 30 days.

Accordingly, the judges of record of _____ County request approval of these local rules, or amendments.

Submitted this _____ day of _____, _____.

For the Courts of Record of _____ County

Signature of submitting judge

Typed name of submitting judge

**In the
Indiana Supreme Court**

IN THE MATTER OF)	
REQUEST FOR APPROVAL)	
OF LOCAL RULES)	Case No.
FOR COURTS OF RECORD IN)	
_____ COUNTY)	

**REQUEST FOR APPROVAL OF LOCAL RULE
RE-ADOPTING CURRENT CASELOAD
ALLOCATION RULE**

The judges of the courts or record of _____ County have met and reviewed the 2007 weighted caseload statistics of the courts of record, which review reveals that the difference in utilization between any two courts of record does not exceed .40 based on the 2007 Weighted Caseload Report.

Accordingly, the judges of the courts of record have decided to re-adopt their local rule pertaining to caseload allocation as required by Administrative Rule 1, which local rule had previously been published for public comment as required by Trial Rule 81 and which has been approved by the Supreme Court, and request the Supreme Court to approve the re-adoption of the local caseload allocation rule.

Submitted this _____ day of _____, _____.

For the Courts of Record of _____ County
